IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 17TH DECEMBER 2007 / 26TH AGRAHAYANA 1929

CRP.No. 583 of 2004(F)

OPELE.42/1999 of ADDL. DISTRICT COURT, PATHANAMTHITTA
.....

REVN. PETITIONER: RESPONDENT:

POWER GRID CORPORATION OF INDIA LTD.,
LOCAL OFFICE, NANGIARKULANGARA,
KAYAMKULAM, REPRESENTED BY ITS MANAGER.

BY ADV. SRI.K.P.DANDAPANI

RESPONDENT: PETITIONER:

V. HARIDAS, S/O. VASU,
PAVANALAYALAM, THUVAYOOR NORTH,
ERATHU VILLAGE, MANAKALA P.O., ADOOR TALUK.

BY

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 17/12/2007, ALONG WITH CRP NOS. 861 & 887 OF 2004 THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N. KRISHNAN, J.

= = = = = = = = = = = = = = =

C.R.P. NOs. 583, 861

& 887 OF 2004

= = = = = = = = = = = = = = =

Dated this the 17th day of December, 2007.

O R D E R

All these revisions are preferred against the awards passed by the Additional District Judge, Pathanamthitta in O.P.(Ele.)42/99, O.P.(Ele)124/99 and O.P.(Ele)274/99. In O.P.(Ele)42/99 the Court has awarded an additional compensation of Rs.3,500/-, in O.P.(Ele)124/99 the Court has awarded an additional compensation of Rs.7,111/- and in O.P.(Ele)274/99 the Court has awarded an additional compensation of Rs.5,934/-.

2. So far as CRP 583/04 is concerned the Court below found the land value per cent at Rs.2,000/- and further estimated the property affected at 7 cents calculated the diminution of land value at 25% and awarded a compensation Rs.3,500/-. The Court did not grant any additional compensation for the trees cut and removed. The Court has not taken into consideration the evidence of PW1 which holds

that the property is worth Rs.15,000/- per cent. The Court has only awarded a reasonable compensation and therefore it does not require any interference.

3. In C.R.P.861/04 the additional compensation awarded is Rs.7,111/-. Rs.1,111/- for trees cut and removed and Rs.6,000/- for the diminution of land value. The Court below has considered in detail about the manner in which it has awarded the compensation. There were 11 rubber saplings aged 4 years and the Court below granted only a compensation of Rs.1,639/-. The Court found that for the rubber saplings at the rate of Rs.250/- has to be paid per one sapling and therefore enhanced the compensation by Rs.1,111/-. So far as the land affected is concerned the Court taken into consideration the evidence of PW1. Though the land value is claimed to be Rs.25,000/- per cent, the Court fixed it at Rs.2,400/-. The Court also found that 10 cents of land are affected and 25% had been taken as the

diminution in land value. It is very clear that 4 rubber trees, three mango trees and 11 rubber saplings had been cut and removed and therefore the area affected calculated by the Court below is correct and the centage value and diminution value as arrived at is also perfectly right. So it does not call for any interference.

4. So far as O.P.274/99 is concerned the Court has granted Rs.1734/- towards additional compensation for tree cut and Rs.4,200/- for compensation on account of the diminution in land value. The Court had referred to Exts.B1 and B2. All the rubber trees were not yielding. 14 rubber trees were aged 5 years and 26 trees were aged 3 years. The Court below calculated 5 year old tree at the rate of Rs.250/-, three year old tree at Rs.150/- and awarded an enhanced compensation of Rs.1,734/-. It cannot be considered as one on the higher side. It was claimed by the party that the land value of the property is also Rs.5,000/-.

The Court below found that it is reasonable to fix it at Rs.2,400/-. It also had taken 7 cents as the affected property, taken into consideration the trees and other things that had been cut and removed, applied diminution of land value at 25% and awarded an additional compensation at Rs.4,200/-. So it was also done perfectly in order and therefore all these revision lacks merit and they are dismissed.

M.N. KRISHNAN, JUDGE.

ul/-